

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

---

**VEOLIA INDUSTRIAL SERVICES, INC.,  
Plaintiff,**

**v.**

**Case No. 11-CV-00126**

**DPH HOLDINGS CORPORATION, et al.,  
Defendant.**

---

**DECISION AND ORDER**

Defendant DPH Holdings Corporation (“DPH”) filed an amended cross-claim against defendants D-21 Demolition, LLC and 21st Century Salvage, Inc. (“cross defendants”). On September 20, 2011, the cross defendants filed a motion to dismiss counts I, II and III of the cross-claim, and this court granted the motion to dismiss under Civil L. R. 7(d) (E.D. Wis.) because DPH had failed to file a memorandum in opposition. However, while the order granting the motion to dismiss was being docketed, the parties filed a stipulation to extend the time for DPH to respond to the motion. Therefore, I will vacate my order granting the motion and grant the parties’ request to extend the time to respond.

**THEREFORE, IT IS ORDERED** that the order granting D-21 Demolition, LLC’s and 21st Century Salvage, Inc.’s motion to dismiss part of DPH Holdings Corporation’s amended cross-claim [Docket #40] is **VACATED**.

**IT IS FURTHER ORDERED** that the parties’ stipulation to extend time [Docket # 39] is **GRANTED**. DPH Holdings Corporation has until November 18, 2011 to respond to the motion to dismiss, and D-21 Demolition, LLC and 21st Century Salvage, Inc. have until December 2, 2011 to file a reply memorandum.

Dated at Milwaukee, Wisconsin, this 8th day of November, 2011.

s/ \_\_\_\_\_  
LYNN ADELMAN  
District Judge